



DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
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**BOARD OF ADJUSTMENT
MINUTES
February 14, 2019**

MEMBERS PRESENT:

Hannah Cicioni
Roger Clark
Andrew Curry, Acting Chair
Ben Kaufman
Eriks Zvers, Planning Commission Representative

OTHERS ATTENDING:

Beth Johnson, Planner II
Kara King, Planning Technician

Acting Chair Andrew Curry called the meeting to order at 4:00 pm.

NEW BUSINESS

19-09: A request by Credence Auto Repair for a variance to allow a 9' tall monument sign at 3010 W. Walnut St. in the city's C-2 (Highway Commercial) zoning district and the city's Overlay District.

Staff stated Credence Auto Repair is attempting to convert an existing freestanding pole sign into a monument sign. The overall height of signs is measured from the finished grade and in the Overlay District monuments cannot exceed 6' in height for single tenants. The proposed sign is 9' in height measured from the finished grade.

Jayson DeLoach and Matt Kellem, representing the request, stated that the existing electronic message center is welded to the existing poles and relocation would be difficult. DeLoach and Kellem presented images of the sign in relation to surrounding signs on Walnut Street.

Curry asked if there was any site-specific hardships. The applicants did not present any site-specific hardship arguments.

Curry opened the public hearing. There were no public comments and the public hearing was closed.

Cicioni motioned to deny the variance request for a 9' tall monument sign. Second by Zvers. Voice vote: (unanimous). Motion carried. **DENIED.**

19-10: A request by Maximum Performance for a variance to allow 52 square feet of additional sign area and one additional wall sign at 2530 S. Pinnacle Hills Pkwy. in the city's C-2 (Highway Commercial) zoning district and the city's Overlay District.

Staff stated Maximum Performance and 201 TRM are two separate business with a shared entrance. The sign for 201 TRM was approved as it was within the 25-square-foot total allowed per tenant. The existing signage total for the building is 414.34 square feet. The existing signs are considered legal non-conforming. The request is to allow Maximum Performance's business sign at 33 square feet and to allow an additional sign at 19 square feet that advertises the services provided by both businesses.

Patrick Hall with Chambers Sign represented the request and had no additional comments for the Board.

Cicioni and Curry asked why the additional square footage was required. Hall responded that the additional square footage would keep the sign consistent in size with the existing signs and provide better visibility.

Curry opened the public hearing. There were no public comments and the public hearing was closed.

Kaufman motioned to approve the variance request for one additional wall sign. Second by Cicioni. Voice vote: (unanimous). Motion carried. **APPROVED.**

Kaufman motioned to approve the variance request for 52 square feet of additional sign area. Second by Cicioni. Voice vote: (unanimous). Motion carried. **APPROVED.**

19-11: A request by Landmark PLC, CPA for a variance to allow 50 square feet of additional sign area and one additional wall sign at 2003 S. Horsebarn Rd. in the city's C-2 (Highway Commercial) zoning district and the city's Overlay District.

Staff stated Landmark is requesting one additional sign and additional wall sign area. Landmark does occupy a corner tenant space and if they were the only tenants in the building they would be allowed two wall signs by right. The former tenants at this location, New Creature, were granted a sign permit for an additional wall sign.

Curtis Moore with Sign Planet represented the request and had no additional comments for the Board.

Curry opened the public hearing. There were no public comments and the public hearing was closed.

Clark motioned to approve the variance request for one additional wall sign. Second by Zvers. Voice vote: (unanimous). Motion carried. **APPROVED.**

Clark motioned to approve the variance request for 9 square feet of additional sign area. Second by Zvers. Voice vote: (unanimous). Motion carried. **APPROVED.**

19-12: A request by Adam Byrd for a variance to allow an exterior side setback and utility easement reduction (20' to 3.5') and a rear setback and utility easement reduction (20' to 6.75') at 6116 S. 36th St. in the city's RSF-5 (Residential Single-Family) zoning district.

Staff outlined the setback and utility easement reductions are to accommodate an existing non-conforming shed. The shed is 11'3" and sheds less than or equal to 10' in height are allowed to be located in the setbacks and utility easements.

Adam Byrd and Tommy Upton, representing the request, stated they were not aware of the height restriction. The shed has been relocated to avoid existing utilities.

Curry opened the public hearing. Mike Mayer, 6205 S. 36th St., spoke in favor of the request. There were no additional public comments and the public hearing was closed.

Curry asked the applicants if there are any site-specific hardships. The applicants stated the shed is 5' from the existing home and the setback is the majority of the back yard.

Curry stated the small yard is a site-specific hardship, but the larger shed over 10' in height is not a site-specific hardship. The current shed is 160 square feet and a 200-square-foot shed would be allowed as long as the overall height does not exceed 10'.

Clark motioned to approve the variance request for an exterior side yard setback and utility easement reduction from 20' to 3.5' as presented. Second by Cicioni. Voice vote: Yes – Clark and Kaufman, No – Cicioni, Curry, and Zvers. Motion failed. **DENIED.**

Clark motioned to approve the variance request for a rear yard setback and utility easement reduction from 20' to 6.75' as presented. Second by Cicioni. Voice vote: Yes – Clark and Kaufman, No – Cicioni, Curry, and Zvers. Motion failed. **DENIED.**

19-13: A request by Petco for a variance to allow one additional wall sign and 56.2 square feet of additional sign area at 4009 W. Walnut St. in the city's C-2 (Highway Commercial) zoning district and the city's Overlay District.

Staff stated Petco is adding veterinary services to their retail location and are requesting an additional wall sign to advertise the Pet Vet. Atkin's and Staples are located in the same building and similarly have additional wall signs to advertise their services. Petco's existing additional wall signs were approved through previous variances.

Joe Conway with Arkansas Sign and Banner, representing the request, added that the mature growth of the trees and buildings located along Walnut limit the visibility of Petco's signage.

Zvers motioned to approve the variance request for one additional wall sign. Second by Clark. Voice vote: (unanimous). Motion carried. **APPROVED.**

Zvers motioned to approve the variance request to 56.2 square feet of additional sign area. Second by Clark. Voice vote: (unanimous). Motion carried. **APPROVED.**

19-14: A request by Doug Faries for a variance to allow a rear setback, utility easement, and drainage easement reduction (20' to 12.5') at 6600 W. Valley View Rd. in the city's RSF-5 (Residential Single-Family, 5 units per acre) zoning district.

Staff outlined the request is to allow for the construction of a pool.

Doug Faries representing the request stated the neighborhood has small lots with large houses and there was not enough room to accommodate the pool within existing setbacks.

Clark motioned to approve the variance request for a rear yard setback, utility easement, and drainage easement reduction from 20' to 12.5' as presented. Second by Kaufman. Voice vote: (unanimous). Motion carried. **APPROVED.**

19-15: A request by Speakeasy Tattoo for a variance to allow a freestanding pole sign at 14.17 feet in height and 72 square feet at 425 W. Walnut St. in the city's COM (Commercial Mixed-Use) zoning district.

Clark and Cicioni recused themselves from the request. Curry stated there are not enough members to consider the request at this time.

Zvers motioned to table the variance request until the next meeting. Second by Kaufman. Voice vote: (unanimous). Motion carried. **TABLED.**

19-16: A request by Kurt Hollenkamp for a variance to allow a rear setback reduction (20' to 10') at 8607 W. Hackberry Rd. in the city's R-SF (Residential Single-Family) zoning district.

Staff outlined the request is to allow for the construction of a pool.

Kurt Hollenkamp stated that the size of the setbacks and size of the home limits the location of the pool. The proposed pool is 5' from the existing home.

Cicioni motioned to approve the variance request for a rear yard setback reduction from 20' to 10' as presented. Second by Zvers. Voice vote: (unanimous). Motion carried. **APPROVED.**

Previous minutes: January 24, 2019.

Clark motioned to approve the minutes from January 24, 2019. Second by Zvers. Voice vote: (unanimous). Motion carried. **APPROVED.**

Meeting adjourned at 4:45 pm.

Roger Clark, Board of Adjustment Secretary